

JUN 20 2007

Application No.: 10/526,248

Docket No.: JCLA12555

**REMARKS****Present Status of the Application**

In the office action dated March 21, 2007, claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witt et al. (US 5,779,995, hereinafter "Witt") in view of Hirschfeld et al. (US 5,284,678, hereinafter "Hirschfeld").

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witt in view of Hirschfeld, as applied to claim 1 and further in view of Hanify et al. (US 5,227,136, hereinafter "Hanify").

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witt in view of Hirschfeld, as applied to claim 2 and further in view of Stormo (US 5,779,996, hereinafter "Stormo").

**Discussion of "Response to Arguments" Section**

Applicant's arguments filed 12/12/2006 were replied in "Response to Arguments" section (page 5 of the current Office Action) as being not persuasive.

Specifically, the Examiner recites Applicant's previous arguments as:

"Further in Witt, the circulating flow of the reacting mass is brought about by the agitator 4 with a central hollow shaft 41 and an agitator blade 42. That is, the agitator 4 conveys the reaction mass downward in the central flow chamber 3 and produces an upward flow of the reaction mass is drawn out of the gas chamber in the upper part of the reaction container by means of intake opening 44 in the agitator shaft 41. **In other words, the gas flowing into the upper part of the reaction container 1 is not for circulating of the**

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**reaction mass but for gassing the reaction mass.** Therefore, Witt at least does not disclose the features as recited in independent claim 1”.

In response thereto, the Examiner contended:

“[T]he claim uses ‘comprising’ which is open transitional language and does not exclude a reference from having more elements than those recited in the instant claims”.

Applicant submits whether claim 1 uses an open transitional language does not affect the recited discussion of the patentable weight of the missing element that is “wherein a fluidizing gas introduced through a bottom portion of the processing container **causes powder particles in the processing container to form a fluidized bed in which the powder particles circulate so as to ascend through ...**”.

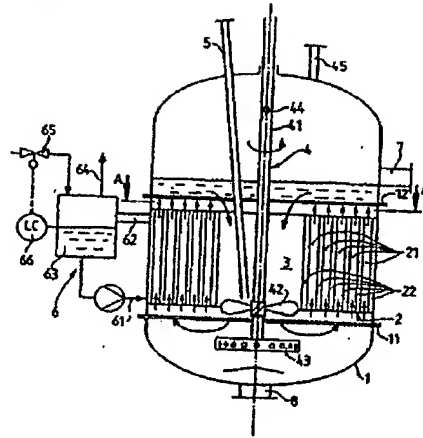
First of all, the open transitional phrase “comprising” is used for defining necessary elements, i.e., a processing container, a draft tube, a disintegrator mechanism. The missing element is for further limiting and defining the fluidized bed apparatus so as to distinguish the present invention from public knowledge. Please note the missing element is introduced with a transitional phrase “wherein”. The limitation following the phrase should be construed as compulsory for the present invention. Without a clear teaching from a prior art reference, such a limitation can not be ignored in arriving at the claimed invention.

Applicant would like to have the Examiner to pay more attention on the missing limitation, “wherein a **fluidizing gas ... causes powder particles ... circulate so as to ascend**”. As shown in Fig. 1 of Witt recited below, and taught in col. 2, lines 54-59, gassing device 43 is disposed below the agitator blade 42 for providing gas for gassing the reaction mass.

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Fig.1



Such a gas and the gassing device 43 for providing the gas had been clearly taught as related to gassing the reaction mass. Further, as shown in the drawing above, the gassing device 43 has a plurality of gas holes distributed around the hollow shaft. Applicant understands the gas holes are evenly distributed and outwardly provides gas uniformly toward all directions. Such a gassing process gives no contribution to cause the particles therein to circulate so as to ascend.

If the Examiner insists that the limitation has been taught by Witt, corresponding part should be designated and clearly interpreted.

#### Claim Rejections – 35 U.S.C. § 103(a)

In the Office Action, claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witt in view of Hirschfeld. Applicants respectfully traverse the rejections for at least the reasons set forth below.

As discussed above, Applicant again submits that Witt, Hirschfeld, or any of the other

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cited references, taken alone or in combination, fail to teach, suggest, or disclose the limitation "wherein a fluidizing gas ... causes powder particles ... circulate so as to ascend".

Further, the Examiner admitted that "Witt fails to show wherein said fluidized bed apparatus comprises a rotary rotor for sending the powder particles that have passed the disintegrator mechanism to an upward current of the fluidizing gas by centrifugal force". However, the Examiner recites Hirschfeld as a second reference in arriving at the claimed invention, as set forth in claim 1. The Examiner contended: "Hirschfeld teaches an apparatus for coating particles agitated by a rotatable rotor (fig. 1, 21) and a rotating circular disk (23) in order to give rise to a centrifugal force (col. 10, lines 13-14).

Applicant submits that there is no motivation to modify Witt with Hirschfeld's teaching in arriving at the claimed invention.

Witt does not show any need for a rise to a centrifugal force. As shown in Fig. 1, Witt discloses an agitator 42 which rotates and causes a centrifugal force on the sludge. However, such an agitator 42 is disposed in the central free flow chamber 3. Although the sludge in chamber 3 can cause sludge therebelow to rotate, the centrifugal force generated by the agitator 42 has been extremely lost. In this regard, Witt is more likely to decrease the rotation of the sludge as well as the centrifugal force applied thereto.

With at least the same foregoing reasons, independent claim 1 and dependent claims 2 and 6-7 are distinct over Witt in view of Hirschfeld.

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Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witt in view of Hirschfeld, as applied to claim 2 and further in view of Stormo.

Hanify and Stormo does not supply the missing features in Witt, with respect to independent claim 1. Therefore, claims 3 and 4 are allowable as well.

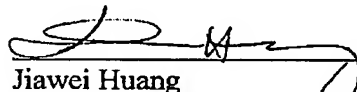
### CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-4 and 6-7 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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